

ATTORNEY DOCKET NO. 53074-026
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	Group Art Unit: 1765
Tetsuzo UEDA)	
)	Examiner: MATTHEW J. SONG
Serial No.: 09/904,131)	
)	
Filed: July 11, 2001)	
)	
For: LAYERED SUBSTRATES FOR EPITAXIAL PROCESSING, AND DEVICE)	

ELECTION UNDER 35 U.S.C. § 121

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement set forth in the Office Action mailed November 13, 2002, having a shortened statutory period for response set to expire December 13, 2002, wherein the Examiner required restriction between Group I, claims 1-10, drawn to a product and Group II, claims 11-23, drawn to a process, Applicant elects without traverse Group II, claims 11-23 for initial prosecution on the merits. Please cancel claims 1-10 without prejudice.

Applicants also reserve the right to file a Divisional Applications for the non-elected claims 1-10, which the Examiner has indicated is patentably distinct.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has


Serial No.: 09/904,131

inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: 12/13/2

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WDC99 693349-1.053074.0026